

Letitia C. Abromats
 750 U.S. Highway 14
 Greybull, WY 82426
 307-765-4518
 Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,)
on relation of ROY PACK,)
)
Plaintiff,)
)
vs.)
)
MAUREEN HICKEY,)
)
and)
)
CLOUD PEAK INITIATIVES, INC.)
)
Defendants.)

CASE No. 15-cv-185-F

JUDGE FREUDENTHAL

MAGISTRATE JUDGE RANKIN

JURY TRIAL DEMANDED

RELATOR’S MOTION TO RECONSIDER UNDER FRCP 59(E)

COMES NOW Relator, Roy Pack, by and through his attorney, Letitia Abromats, and hereby respectfully submits his Motion to reconsider this Court’s exclusion of evidence and grant of summary judgment, DE # 95. The motion is based on manifest errors of law regarding the affidavit of Roy Pack and evidence revealed by Relator’s expert before summary judgment was granted, but presented to the Court in response to another motion just about an hour after evidence was excluded and summary judgment was granted. Should this motion be granted, the Court is requested to issue a new opinion and order on the admissibility of evidence, vacate the summary judgment opinion and order, and allow the parties to re-brief dispositive motions under the revised state of the evidentiary record. The precise reasons behind the motion are set forth more fully in the accompanying brief in support.

DATED this 10th day of October 2017.

Respectfully submitted,

/s Letitia Abromats/ (7-5262)
Attorney for Plaintiff
750 U.S. Hwy. 14
Greybull, WY 82426
765-4518
labromats@abromatslaw.com

CERTIFICATE OF SERVICE

I hereby certify that RELATOR'S MOTION TO RECONSIDER UNDER FRCP 59(E) was served on the attorneys for Defendants and on the United States attorney on October 9, 2017 via CM-ECF, said counsel being:

Amanda K. Roberts
Molly H. Dow

Lonabaugh and Riggs, LLP
50 E. Loucks
P.O. Drawer 5059
Sheridan, Wyoming 82801

Mark Klaasen

Assistant United States Attorney
P.O. 668
Cheyenne, Wyoming 82003

/s/Letitia Abromats/